

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

WILLIE SAMPSON,

Plaintiff,

v.

EIGHTH JUDICIAL DISTRICT COURT,

Defendants

Case No. 3:14-cv-00598-MMD-VPC

ORDER

I. DISCUSSION

Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections ("NDOC"), has filed an application to proceed *in forma pauperis*, a notice of appeal, and a motion for an appointment of counsel. (Dkt. no. 1, 1-1, 1-2.)

In reviewing the notice of appeal, Plaintiff appears to be attempting to appeal an order of the Nevada Supreme Court to this Court. (Dkt. no. 1-1 at 1.) In Plaintiff's motion for permission to appeal *in forma pauperis*, he seeks to challenge the evidence used by the Nevada Supreme Court to affirm a state district court's order. (Dkt. no. 4 at 1.)

The Court dismisses this case based on the *Rooker-Feldman* doctrine. Under the *Rooker-Feldman* doctrine, a federal district court may not decide any issue that is a *de facto* appeal from a judicial decision from a state court or any issue raised in a suit that is "inextricably intertwined" with an issue resolved by a state court in its judicial decision. *Noel v. Hall*, 341 F.3d 1148, 1158 (9th Cir. 2003). If Plaintiff wants to challenge an order issued by the Nevada Supreme Court he must file a motion with that court. As such, the Court dismisses this case with prejudice.

1 To the extent that Plaintiff seeks to file a habeas corpus petition with this Court,
2 the Clerk of the Court will send Plaintiff the appropriate forms for initiating that type of
3 action.

4 **II. CONCLUSION**

5 For the foregoing reasons, the application to proceed *in forma pauperis* (dkt. no.
6 1) is denied as moot.

7 It is further ordered that this case is dismissed in its entirety, with prejudice,
8 pursuant to the *Rooker-Feldman* doctrine.


9 It is further ordered that the motion for appointment of counsel (dkt. no. 1-2) is
10 denied as moot.

11 It is further ordered that the Clerk of the Court shall send Plaintiff two (2) copies
12 of an *in forma pauperis* application form for a prisoner, one copy of the instructions for
13 same, two (2) copies of a blank 28 U.S.C. § 2254 habeas corpus form, and one (1) copy
14 of instructions for the same.

15 It is further ordered that Plaintiff may file a habeas corpus petition and an *in*
16 *forma pauperis* application in a new action, but he may not file any further documents in
17 this action.

18 It is further ordered that the Clerk of the Court shall enter judgment accordingly.

19 DATED THIS 3rd day of April 2015.

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22 MIRANDA M. DU
23 UNITED STATES DISTRICT JUDGE
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